

Congress Unveils New Bipartisan Bill to Fight Foreign Bribery

U.S. Must Update Anti-Bribery Laws for the 21st Century

A statement from the U.S. office of Transparency International
November 2, 2021

Today, Senators Sheldon Whitehouse (D-RI) and Thom Tillis (R-NC) introduced the Foreign Extortion Prevention Act (“FEPA”). The bill would make it a crime for a foreign official to demand or accept a bribe from a U.S. company, or to demand or accept any bribe that substantially impacts U.S. commerce. Along with our office, FEPA is supported by the U.S. Chamber of Commerce, Greenpeace USA, and a broad coalition of civil society organizations working to promote transparency and accountability in government.

To coincide with the introduction of FEPA, the U.S. office of Transparency International (“TI-US”) has published a white paper that analyzes the legal framework for applying U.S. criminal laws overseas and that illustrates how FEPA is enforceable as both a matter of law and practice. TI-US has also published reactions to and commentary on FEPA from leading U.S. anticorruption experts and from Transparency International chapters in Honduras, Malaysia, Venezuela, and Moldova.

Scott Greytak, Director of Advocacy for TI-US, said the following on the introduction of the bill:

This bill is a “triple bottom line”—it’s good for people who have suffered from the harms of corruption, good for American business, and good for the environment. FEPA will help crack down on corrupt foreign officials, protect U.S. businesses working abroad, and prevent environmental decline.

Current U.S. law makes it a crime for an American company to offer or give a bribe to a foreign official yet does nothing to prevent or punish the foreign

official who demands or accepts such a bribe. When corrupt officials face no threat of U.S. prosecution, while U.S. companies face serious criminal liability for their involvement in bribery schemes, we're left with incomplete justice. It's time for the United States to impose a cost on corrupt foreign officials who demand bribes.

At the same time, foreign bribery is also a key driver of environmental damage—accelerating deforestation, and providing impunity to those who turn a blind eye to illegal mining, logging, or poaching of wildlife. The result is a loss of precious public funds that could be used to finance responses to climate change.

This bill would go a long way toward bringing the U.S.'s anticorruption laws into the 21st century and in line with dozens of other countries that already have similar laws in place, including the United Kingdom, Germany, and France. With aggressive enforcement from the U.S. Department of Justice, FEPA can serve as a powerful new tool for leveling the global playing field for U.S. businesses, provide environmental protections at a critical time for our climate, and counter the litany of additional harms caused by foreign corruption.

We thank Senators Whitehouse and Tillis for their leadership and urge Congress to pass the bill quickly.

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Transparency International is the world's largest coalition against corruption. We give voices to victims and witnesses of corruption, and work with governments, businesses, and citizens to stop the abuse of entrusted power. In collaboration with national chapters in more than 100 countries, we are leading the fight to turn our vision of a world free from corruption into reality.

Related Resources

- Read a [letter of support](#) for FEPA signed by two dozen civil society organizations and prominent individuals
- Read reactions to and analyses of FEPA from [U.S. anticorruption experts](#) and from [Transparency International chapters](#) across the world

- Read the [TI-US white paper](#) discussing the legal framework for applying federal criminal laws outside the U.S. and how that framework supports the robust enforcement of FEPA
- Read the TI-US factsheet "[Fight Foreign Corruption, Protect U.S. Business](#)"
- Read President Biden's June [National Security Study Memorandum](#) calling for "addressing the demand side of bribery"

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